

**AMENDMENT IN THE ALTERNATIVE<sup>2</sup>**  
**TO THE CLAIMS**

Claims 1 through 60 (Cancelled)

Claim 61 (Currently Amended): An improved clip for marking breast tissue of a biopsy site or the site of an aspirated cyst during a radiographic analysis, the clip extending along an axis between a first end and a second end and comprising a deformable metal structure consisting essentially of:

a first arc segment having a first end located at the first end of the clip and a second end located at the second end of the clip;

a second arc segment having a first end located at the first end of the clip and a second end located at the second end of the clip; and

an apex disposed along the clip axis defining where the first and second arc segments converge,

wherein, after being driven through an exit opening of a delivery tube of a delivery device, the metal structure deforms toward ~~when the clip is in~~ a relaxed state and penetrates breast tissue, wherein the deformable metal structure is configured so that

(i) it is compressed to reside entirely within the delivery tube,

(ii) it deploys through the delivery device, and

(iii) in both an original pre-deployment state and a post-deployment state:

the first ends of the first and second arc segments ~~[[projects]]~~ project in a direction outward relative to the clip axis opposite to that of the second ends of the first and second arc segments,

the first ends of the first and second arc segments project in a direction generally away from the second ends of the first and second arc segments, and

(iv) the first ends and the second ends of the first and second arc segments penetrate breast tissue upon deformation of the segments relative to the clip axis after being driven through the exit opening of the delivery tube, and thereby substantially prevent migration of the deployed clip within the breast.

Claim 62 (previously presented): The clip of claim 61, wherein the first and second arc segments include a substantially continuous radius.

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<sup>2</sup> This Amendment is requested if and to the extent the finality of the rejection is maintained. In addition, the consideration of the Remarks set forth in the following is respectfully requested.

Claim 63 (previously present): The clip of claim 61, wherein the first and second arc segments are formed of a single wire.

Claim 64 (Currently Amended): The clip of claim 61, wherein the first and second arc segments ~~arcuate portions~~ are formed of separate wires.

Claim 65 (Cancelled)

Claim 66 (Cancelled)

Claim 67 (Previously Presented): The clip of claim 63, wherein the first and second ends of the first and second arc segments include a barb for further engaging tissue during movement of the clip along the clip axis.

Claim 68 (Previously Presented): The clip of claim 63, wherein the clip has a largest diameter of less than about 5 mm.

Claim 69 (Previously Presented): The clip of claim 61, wherein the clip is symmetrical about the clip axis.

Claim 70 (Previously Presented): The clip of claim 69, wherein the clip is also symmetrical about an axis located at the clip apex and which is perpendicular to the clip axis.

Claim 71 (Previously Presented): The clip of claim 61, wherein the clip is formed of memory shaped wire.

Claim 72 (Previously Presented): The clip of claim 71, wherein the clip comprises a material selected from a surgical stainless steel, titanium, a nickel containing metal, or a bio-compatible polymer.

Claim 73 (Previously Presented): The clip of claim 61, wherein the clip further includes a coating.

Claim 74 (Previously Presented): The clip of claim 73, wherein the coating comprises a pharmaceutical agent.

Claim 75 (Cancelled)

Claim 76 (Currently Amended): The clip of claim 61, wherein the first and second arc arcuate ~~wire~~ segments are coplanar with respect to one another.

Claim 77 (Previously Presented): The clip of claim 61, wherein the clip is ~~[[compressible]]~~ compressed upon itself to be inserted into the delivery tube of a breast biopsy device, and upon deployment from the device into a body the stored energy occasioned by intrinsic elasticity of the clip causes the first and second arc segments to unfold upon themselves such that the first and second arc segments return to their relaxed state and engage tissue by penetration of the tissue without additional user-applied energy.

Claim 78 (Previously Presented): The clip of claim 77, wherein during unfolding the first ends of the first and second arc wire segments unfolds at least 45° with respect to the apex.

Claim 79 (Previously Presented): The clip of claim 77, wherein during unfolding the first ends of the first and second arc wire segments unfolds at least 60° with respect to the apex.

Claim 80 (withdrawn): An improved clip for radiographic analysis, the clip extending along an axis between a first end and a second end and consisting essentially of:

- a first wire segment having a first portion and a second portion, the first and second portions including first ends being joined at a first apex and second ends extending to the first end of the clip,

- a second wire segment having a first portion and a second portion, the first and second portions including first ends being joined at a second apex and second ends extending to the second end of the clip,

- a common intermediate segment disposed along the clip axis joining the first and second apex,

- wherein when the clip is in a relaxed state:

- the second ends of the first wire segment projects in a direction along the clip axis opposite to that of the second ends of the second wire segments,
  - the second ends of the first wire segment projects in a direction away from the second ends of the first wire segments, with respect to the clip axis, and
  - the second ends of the first wire segments engages tissue upon movement of the clip in the direction of the first wire segments and the second ends of the

second wire segments are adapted to engage tissue upon movement of the clip in the direction of the second wire segments.